

*Point of Order*

cation is given as to the procedure to be followed in making any such division.

May I at this time thank all those hon. members who have made such a valuable contribution to our discussion this afternoon on what is a very difficult problem. The Chair very much appreciates having the benefit of their experience and knowledge. I have looked into our records and have failed to find any case which establishes a clear and proper procedure on the matter. It is true that there are to be found instructions to committees to divide bills, or to introduce more than one bill based on a single resolution adopted in committee of the whole; but such instances, in my view, are different from and not applicable to the present situation.

I have considered other cases which might have some bearing on this question, in particular the procedure followed in 1947 and 1948 when a motion was divided in our house, and I might perhaps be permitted to deal more in detail with that instance, which seems to be the nearest to the problem confronting us today.

On Wednesday, December 10, 1947, when a motion to approve a general agreement on tariffs and trade, together with a complementary agreement with the United Kingdom was being considered, an amendment was proposed thereto as follows:

That the said resolution be not now proceeded with, but that the same be referred to the committee of the whole house with instructions to divide the subject matter thereof into two resolutions, one relating to "the general agreement on tariffs and trade, including the protocol of provisional application thereof, annexed to the final act of the second session of the preparatory committee of the United Nations conference on trade and employment held at Geneva from April 10 to October 30, 1947, together with the complementary agreements of October 30, 1947, between Canada and the United States of America," and the other resolution relating to "the complementary agreement of the same date (April 30, 1947) between Canada and the United Kingdom."

It is suggested that this amendment was irregular in that "it is not an amendment to a motion to move that the question go to a committee". In this connection see citation 202, subsection 6, Beauchesne, fourth edition.

At any rate, when this debate was resumed on March 10, 1948, a subamendment was proposed in the following words:

That the amendment be amended,—

(b) by adding at the end of the said amendment the following:

"the said resolutions to be expressed as follows:

"That it is expedient that parliament do approve the general agreement on tariffs and trade, including the protocol of provisional application thereof, annexed to the final act of the second

session of the preparatory committee of the United Nations conference on trade and employment held at Geneva from April 10 to October 30, 1947, together with the complementary agreement of October 30, 1947, between Canada and the United States of America; that the house do approve the same, subject to the legislation required in order to give effect to the provisions thereof.'

"That it is expedient that parliament do approve the complementary agreement of October 30, 1947, between Canada and the United Kingdom relating to the general agreement on tariffs and trade; and that the house do approve the same, subject to the legislation required in order to give effect to the provisions thereof.'"

Subsequently the subamendment, amendment as amended and main motion as amended carried. In this connection see the *Journals*, March 10, 1948, pages 240 and 241. In dealing with this proceeding it must be said that, if the amendment itself was irregular, it logically follows that all subsequent proceedings thereon were also irregular. In this regard it would appear that this procedure was carried on through an arrangement among and with the consent of all parties and cannot be considered as establishing a proper procedure. See *Hansard*, March 8, 1948, pages 1951 and 1952; also *Hansard*, March 10, 1948, page 2080.

To summarize our procedure, it can be said that no clear precedent concerning the dividing of a question can be found in our annals and that the ancient British procedure set out at page 298 of Bourinot's fourth edition has been superseded by another practice in the British house.

In other words, this would appear to be an unprovided case and ordinarily, under such circumstances, reference is made to current procedure in the British house. Such action is provided for by virtue of our standing order No. 1, which reads as follows:

In all cases not provided for hereafter or by sessional or other orders, the usages and customs of the House of Commons of the United Kingdom of Great Britain and Northern Ireland as in force at the time shall be followed so far as they may be applicable to this house.

Accordingly, it is my view that the procedure which applies in this case is the current procedure used in the British house, one which perhaps has not been used too frequently but which nevertheless must be recognized, and if it is to be observed on this occasion it would appear that the question of the dividing of a complicated motion rests with the Chair.

In line with the ordinary procedure of our house, any decision in this regard would, of course, be subject to an appeal to the house.